

11 March 1974

MEMORANDUM FOR: Chief, Physical Security Division

SUBJECT : Telephone Recorders - Security Duty Office

1. As you are aware, the [REDACTED] recorders installed in telephones in the Security Duty Office were authorized for the primary purpose of recording serious threats to Agency installations, senior Agency officials, and national figures. These recorders are in fact also being utilized by the SDOs to record any conversation they feel is too complicated to accurately record without the aid of a tape. Over the years, the tapes have become disarranged and attempts to identify specific tapes with specific dates have met with serious difficulty.

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2. In view of the above, the following SOP is established for the use of tape recorders presently installed in the SDO:

A. The primary purpose of the tape recorder is to record threats against Agency installations, senior Agency officials and national figures, such as the President, Vice President, Cabinet members, etc. All telephone calls which bear on these subjects will be recorded on tape.

B. The secondary use of the tape recorder is to assist the SDO in completing his Tour of Duty report. Utmost discretion must be utilized by the individual SDO when using the tape recorder for this purpose.


C. At 0001 hours each day an SDO will activate each tape recorder and record his name, the recorder letter, the hour, and the date.

D. After every conversation is taped, the SDO will immediately indicate his name and the hour.

E. Whenever a reel of tape is completed on one side, the tape will be removed from the machine and delivered to the senior SDO who will transmit the reel to the Chief, Headquarters Security Branch for safekeeping. The Chief, Headquarters Security Branch will insure that each reel is annotated to reflect the beginning and ending dates. He will also file the tapes in a manner which will assist in recovering the tapes for any period of interest.

F. The Chief, HSB will maintain possession of all tapes and will relinquish them only upon written authority from the Acting Director or Deputy Director of Security. When a tape is removed from the control of the Chief, HSB, he will so annotate his records to indicate the recipient.

3. The above procedures will become effective at 0001 hours, 12 March 1974.

  
Deputy Director of Security (PTOS)

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cc: C/HSB

## § 64.295

## Title 47—Telecommunication

portion of the total delivered load (for the full month, including Saturdays, Sundays and holidays) in that method and city to the total delivered load (for the full month) in the same method for the seventy-five cities. The weighting factors shall be computed annually based on delivered loads for the month of March.

## § 64.295 Additional speed of service reports required.

(a) The Western Union Telegraph Company shall file with the Commission for its information, not later than the 25th date of each succeeding month, reports in quadruplicate of any additional monthly recurring speed of service studies it may make.

(b) Two copies of all general instructions (and of any amendments thereto) issued to the field offices for the preparation of the studies required by this section shall be filed with the Commission upon issuance.

## Subpart C—Furnishing of Facilities to Foreign Governments for International Communications

## § 64.301 Furnishing of facilities to foreign governments for international communications.

Common carriers by wire and radio shall, in accordance with section 201 of the Communications Act, furnish services and facilities for communications to any foreign government upon reasonable demand therefor: *Provided, however*, That, if a foreign government fails or refuses, upon reasonable demand, to furnish particular services and facilities to the United States Government for communications between the territory of that government and the United States or any other point, such carriers shall, to the extent specifically ordered by the Commission, deny equivalent services or facilities in the United States to such foreign government for communications between the United States and the territory of that foreign government or any other point.

(Interpret or apply secs. 201, 214, 303, 308, 48 Stat. 1075, 1082, 1083; 47 U.S.C. 201, 214, 303, 308) [28 F.R. 13242, Dec. 5, 1953]

## Subpart D—Procedures for Handling Priority Services in Emergencies

## § 64.401 Procedures for the use and restoration of leased intercity private line services in emergencies.

The communications common carriers

shall maintain and, if disrupted, restore leased intercity private line services in accordance with the procedures set forth in Appendix A to this part.

(Secs. 1, 201, 202, 203, 204, 205, 48 Stat. as amended, 1084, 1071, 1072; 47 U.S.C. 151, 202, 203, 204, 205, and E.O. 11092 of Feb. 28, 1963) [32 F.R. 788, Jan. 24, 1967]

## § 64.402 Procedures for using a precedence system for public correspondence services provided by the communication common carriers.

The precedence system and procedures set forth in Appendix B to this part are applicable to the communications common carriers and all users of public correspondence service facilities of the communications common carriers, and to the extent possible through agreements between the latter and their foreign correspondents, for handling abroad.

(47 U.S.C. 151, 202, 203, 204, 205, E.O. 11092; 3 CFR, 1959-1963 Comp.) [34 F.R. 17292, Oct. 24, 1969]

## Subpart E—Use of Recording Devices by Telephone Companies

## § 64.501 Recording of telephone conversations with telephone companies.

No telephone common carrier, subject in whole or in part to the Communications Act of 1934, as amended, may use any recording device in connection with any interstate or foreign telephone conversation between any member of the public, on the one hand, and any officer, agent or other person acting for or employed by any such telephone common carrier, on the other hand, except under the following conditions:

(a) That such use shall be accompanied by adequate notice to all parties to the telephone conversation that the conversation is being recorded;

(b) That such notice shall be given by the use of an automatic tone warning device, which will automatically produce a distinct signal that is repeated at regular intervals during the course of the telephone conversation when the recording device is in use;

(c) That the characteristics of the warning tone shall be the same as those specified in the Orders of this Commission adopted by it in "Use of Recording Devices in Connection With Telephone Service," Docket 6787; 11 F.C.C. 1033 (1947); 12 F.C.C. 1005 (November 26, 1947); 12 F.C.C. 1008 (May 20, 1948);

(d) That no recording device shall be used unless it can be physically connected

to and disconnected from line or switched on and off [32 F.R. 11275, Aug. 3, 1967]

## Subpart F—Pole Attachments and Other Arrangements for CATV Service

## § 64.601 Furnishing of CATV service to the

(a) No telephone common carrier, subject in whole or in part to the Communications Act of 1934, shall directly or indirectly own or control, or have an affiliate owned or controlled, common control with, or have common control with, communications common carriers in the furnishing of CATV service to the viewing public in its service area.

(b) No telephone common carrier, subject in whole or in part to the Communications Act of 1934, shall provide channels of communication for pole line, conduit space, or other arrangements to any person, directly or indirectly owned or controlled by or under the control of such telephone common carrier, where such arrangements are to be used in connection with the provision of service to the viewing public in the service area of the said telephone carrier.

NOTE 1: (a) As used above, "control" and "affiliation" do not include a business relationship where the carrier and the customer are otherwise, directly or indirectly, the carrier and the customer, or the carrier-user relationship.

(b) Examples of situations in which a carrier and its customer may be controlled or have common control, are the following, among others: where the debtor or creditor of the carrier has a financial interest in the carrier; where they have a common ownership or other financial interest in the carrier; and where they have a financial interest in the carrier.

NOTE 2: In applying the provisions of this section to a corporation having more than 50 stockholders:

(a) Only those stockholders who are officers, directors, or otherwise directly or indirectly own or control the outstanding voting stock of the corporation shall be considered.

(b) Stock ownership by a corporation, as defined in 80a-3 (commonly called "subsidiary"), need not be considered.

## Chapter I—Federal Communications Comm.

§ 64.602

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204, 205, 48 Stat. 23  
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[32 F.R. 11275, Aug. 3, 1967]

Subpart F—Pole Attachments and  
Other Arrangements Relative to  
CATV Service§ 64.601 Furnishing of facilities for  
CATV service to the viewing public.

(a) No telephone common carrier sub-  
ject in whole or in part to the Com-  
munications Act of 1934, as amended,  
shall directly or indirectly through an  
affiliate owned or controlled by or under  
common control with said telephone  
communications common carrier, engage  
in the furnishing of CATV service to the  
viewing public in its telephone service  
area.

(b) No telephone common carrier sub-  
ject in whole or in part to the Commu-  
nications Act of 1934, as amended, shall  
provide channels of communications or  
pole line, conduit space or other rental  
arrangements to any entity which is di-  
rectly or indirectly owned, operated or  
controlled by or under common control  
with such telephone communications  
common carrier, where such facilities or  
arrangements are to be used for or in  
connection with the provision of CATV  
service to the viewing public in the ser-  
vice area of the said telephone common  
carrier.

NOTE 1: (a) As used above, the terms "con-  
trol" and "affiliation" bar any financial or  
business relationship whatsoever by contract  
or otherwise, directly or indirectly, between  
the carrier and the customer, except only  
the carrier-user relationship.

(b) Examples of situations in which a  
carrier and its customer will be deemed to  
be controlled or having an interest, include  
the following, among others; where one is  
the debtor or creditor of the other (except  
with respect to charges for communication  
service); where they have a common offi-  
cer, director, or other employees at the man-  
agement level; where there is any element of  
ownership or other financial interest by  
one in the other; and where any party has  
a financial interest in both.

NOTE 2: In applying the provisions of para-  
graph (a) of this section to the stock-  
holders of a corporation which has more  
than 50 stockholders:

(a) Only those stockholders need be con-  
sidered who are officers or directors or who  
directly or indirectly own 1 percent or more  
of the outstanding voting stock;

(b) Stock ownership by an investment  
company, as defined in 15 U.S.C. section  
80a-3 (commonly called a mutual fund),  
need be considered only if it directly or

indirectly owns 3 percent or more of the  
outstanding voting stock or if officers or  
directors of the corporation are representa-  
tives of the investment company. Holdings  
by investment companies under common  
management shall be aggregated. If an in-  
vestment company directly or indirectly owns  
50 percent or more of the voting stock of  
the corporation, the investment company  
shall be considered to own the same percent-  
age of outstanding shares of such corpora-  
tion as it owns of the intermediate com-  
pany; *Provided, however,* That the holding  
of the investment company need not be con-  
sidered where the intermediate company  
owns less than 50 percent of the voting  
stock, but officers or directors of the corpora-  
tion who are representatives of the inter-  
mediate company shall be deemed to be  
representatives of the investment company.

(c) In cases where record and beneficial  
ownership of voting stock is not identical  
(e.g., bank nominees holding stock as record  
owners for the benefit of mutual funds,  
brokerage houses holding stock in street  
name for the benefit of customers, trusts  
holding stock as record owners for the bene-  
fit of designated parties), the party having  
the right to determine how the stock will be  
voted will be considered to own it for the  
purposes of this section.

NOTE 3: The provisions of this section are  
not effective until March 18, 1974, as to CATV  
service, channels of communication or pole  
line, conduit space or other rental arrange-  
ments, if such CATV service was being fur-  
nished or such facilities or arrangements  
were being used for or in connection with the  
provision of CATV service to the viewing  
public on or before May 1, 1970, or are au-  
thorized by the Commission; and in such in-  
stances new drops may be made from existing  
trunk lines during this period.

[35 F.R. 6756, Apr. 29, 1970]

## § 64.602 Waivers.

(a) In those communities where CATV  
service demonstrably could not exist ex-  
cept through a CATV system related to  
or affiliated with the local telephone  
common carrier or upon other showing  
of good cause, the provisions of § 64.601  
may be waived, on the Commission's own  
motion or on petition for waiver, if the  
Commission finds that public interest,  
convenience and necessity would be  
served thereby.

(b) A petition for waiver shall be ac-  
companied by an affidavit of service on  
any existing CATV system, CATV fran-  
chise holder and/or applicant for a CATV  
franchise within the local telephone ser-  
vice area of the telephone common carrier.  
The petition shall state fully and pre-  
cisely all pertinent facts and considera-  
tions relied upon to demonstrate the  
need for the relief requested and to sup-